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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 RODNEY CARL WHEELER,

11 Plaintiff,

12 v.

13 ATTORNEY GENERAL'S OFFICE.

14 Defendant.

CASE NO. C11-5311-RBL-JRC

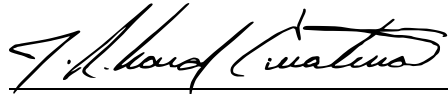
ORDER

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned  
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate  
18 Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion for appointment of  
19 counsel while his case is on appeal (ECF No. 22).

20 The filing of a notice of appeal generally divests the District Court of Jurisdiction.  
21 City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 882 (9th Cir.  
22 2001). The motion will not be considered. If the action survives appeal, plaintiff may  
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1 renew his motion. The Clerk's Office is directed to remove the motion, (ECF No. 22),  
2 from the court's calendar.

3 Dated this 13<sup>th</sup> day of October, 2011.

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6 J. Richard Creatura  
7 United States Magistrate Judge  
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